

**HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.2568 OF 2005.
IN
CRIMINAL WRIT PETITION NO.926 OF 2003**

Mr. Iqbal Mohan Mehra. ...Applicant.

V/s.

The Dy.Director D.R.I.Mumbai
& Anr. ...Respondents.

Shri Amit Desai with Prakash Naik, for applicant.

Shri R.F.Lambay for Respondent No.1.

Shri V.B.Konde-Deshmukh, APP for respondent-State.

**CORAM: A.M.KHANWILKAR, J
DATE : APRIL 27, 2005**

P.C. :-

1. Heard counsel for the parties.

2. Perused the Affidavit of the applicant dated 25/4/2005. The applicant has furnished list of assets possessed by him in Mumbai. The concerned officer has enquired into the correctness of the claim. The estimated value of the said assets is stated to be around Rs.70 Lakhs. In my opinion, as the applicant has offered these assets as condition for grant of present application, that would meet the ends of justice.

3. Mr. Lambay, the counsel for the respondent No.1 however, contends that in addition to the properties offered by the applicant, the applicant be directed to deposit a sum of Rs.15 lakhs in this court, as condition for grant of this application. According to Mr. Lambay, the liability of the applicant would be much more in the adjudication proceedings for which reason, it is necessary to secure further amount of Rs.15 Lakhs from the applicant, for the simple reason that on this occasion the applicant intends to travel abroad with his wife and children.

4. The argument of Mr. Lambay however, clearly overlooks the position that the applicant is travelling with his family abroad on "tourist visa". Besides, the applicant has already offered security of Rs.27 Lakhs pursuant to the orders passed by the lower court from time to time. In other words, in addition to the properties offered on affidavit before this court, there is already security furnished by the applicant for a sum of Rs.27 Lakhs before the lower court.

5. In the circumstances, I am inclined to allow the application on following terms.

(a) The condition requiring the applicant to surrender passport of his wife as condition to go abroad is relaxed for the time being, on assurance given by the applicant that he would file affidavit disclosing the places where he intends to visit and the date on which he would return back and his contact address and telephone numbers and undertaking in the affidavit that he will return back as per the scheduled programme and report to the trial court immediately on the next date of his arrival in India.

(b) The affidavit be filed by Friday, 29th April, 2005 and advance copy be made over to the counsel for the respondent.

6. Needless to observe that on arrival of the applicant in India, from his proposed tour abroad, he shall not only report to the trial court on the next day of his arrival in India but also redeposit his passport with the concerned officer in terms of the earlier order dated 5th April, 2005.

7. Ordered accordingly.